

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

EDWARD J. CARCICH and
JENNIE VEGA-CARCICH,

Plaintiffs,

vs.

CITIMORTGAGE, INC.,

Defendant.

No. CV-10-0429-LRS

**ORDER DENYING
MOTION FOR TRO**

BEFORE THE COURT is the *pro se* Plaintiffs Motion For Temporary Restraining Order, Ct. Rec. 6, filed January 3, 2011. All briefing appears to be completed.

Plaintiffs move for a temporary restraining order based on a possible future foreclosure sale. Although a complaint has been filed, it appears that adequate service of process has not occurred to date. There has been a notice of appearance made on behalf of defendant, however, defense counsel did not waive inadequacies of service of process, if any. On January 21, 2011, the Court entered an order directing service be made by plaintiffs. The Court, however, denies plaintiffs' motion for temporary restraining order based on plaintiff's inability to either: (1) demonstrate a likelihood of success on the merits and the possibility of irreparable injury; or (2) that serious questions going to the merits were raised and the balance of the hardships tips sharply in their favor. *E & J Gallo Winery v. Andina Licores, S.A.*, 446 F.3d 984, 990 (9th Cir.2006).

ORDER -1

1 In the instant case, plaintiffs have not shown they are entitled to restrain the
2 alleged foreclosure sale. Further, plaintiffs indicate that they have only recently
3 made a Qualified Written Request to defendant, which request defendant states it
4 will respond to appropriately. Finally, defendant notes that plaintiffs have failed to
5 comply with the statutory requirements of Washington's Deed of Trust Act. RCW
6 61.24.130.

7 For the foregoing reasons, plaintiffs' motion for temporary restraining order,
8 **Ct. Rec. 6**, is respectfully denied without prejudice based on the state of the record
9 before the court.

10 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
11 order and forward a copy to the pro se Plaintiffs.

12 **DATED** this 24th day of January, 2011.

13 *s/Lonny R. Suko*

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15 LONNY R. SUKO
16 Chief United States District Judge
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